

**HOFLAND & TOMSHECK**

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UNITED STATES DISTRICT COURT  
DISTRICT OF NEVADA

UNITED STATES OF AMERICA,  
Plaintiff,  
vs.  
TIMOTHY NAVA,  
Defendant

Case No.: 2:16-cr-0370-APG-VCF

STIPULATION TO CONTINUE  
SENTENCING (FIRST REQUEST)

IT IS HEREBY STIPULATED, by and between the United States of America, by and through Steven Myhre, Acting United States Attorney, and Susan Cushman, Assistant United States Attorney, and defendant, Timothy Nava, by and through his Attorney, Joshua Tomsheck, Esq., of the law firm of Hofland & Tomsheck, that the sentencing hearing currently scheduled for December 28, 2017 at 9:30 A.M. be vacated and continued for a period of sixty (60) days.

This Stipulation is entered into pursuant to General Order 2007-04 and based upon the following:

1. Counsel for the Defendant is appointed CJA Counsel.
2. This is the first continuance request for sentencing.

- 1 3. The defendant is in custody and does not object to this continuance.
- 2 4. Counsel for Defendant requires additional time to prepare a sentencing
- 3 memorandum.
- 4 5. The presentence investigation report must be changed to reflect accurate
- 5 information regarding Defendant.
- 6 6. Denial of this request for continuance would deny the parties herein time
- 7 and the opportunity to effectively and thoroughly prepare for the
- 8 sentencing hearing, taking into account the exercise of due diligence.
- 9 7. Also, denial of this request or continuance could result in a miscarriage of
- 10 justice.
- 11 8. For the above stated reasons, the parties agree that a continuance of the
- 12 sentencing hearing best serve the ends of justice in this case.
- 13

14 DATED this 27<sup>th</sup> day of December, 2017.

DATED this 27<sup>th</sup> day of December, 2017.

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17 STEVEN MYHRE, ESQ.  
Acting United States Attorney

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HOFLAND & TOMSHECK

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20 /s/ S. Cushman  
SUSAN CUSHMAN, ESQ.  
Assistant United States Attorney

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/s/ J. Tomsheck  
JOSHUA TOMSHECK, ESQ.  
Counsel for TIMOTHY NAVA

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## FINDINGS OF FACT

Based upon the submitted Stipulation, and good cause appearing therefore,  
the Court finds that:

1. Counsel for the Defendant is appointed CJA Counsel.
2. This is the first continuance request for sentencing.
3. The defendant is in custody and does not object to this continuance.
4. Counsel for Defendant requires additional time to prepare a sentencing memorandum.
5. The presentence investigation report must be changed to reflect accurate information regarding Defendant.

## CONCLUSIONS OF LAW

1. Denial of this request for continuance would deny the parties herein time and the opportunity to effectively and thoroughly prepare for the sentencing hearing, taking into account the exercise of due diligence.
2. Additionally, denial of this request for continuance would result in a miscarriage of justice.
3. For all of the above stated reasons, the ends of justice would best be served by a continuance of the sentencing hearing.

**ORDER**

**IT IS ORDERED** that the sentencing hearing currently scheduled for December 27, 2017 at 9:30 AM be vacated and continued to March 8, 2018 at the hour of 9:30 a.m. in Courtroom 6C.

**IT IS SO ORDERED:**



UNITED STATES DISTRICT JUDGE

DATED: December 27, 2017